

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re application of: Breese et al.

Serial No.: 10/062,369

Filed: January 31, 2002

For: Method and System for Performance Reporting in a Network Environment

50170

PATENT TRADEMARK OFFICE

Group Art Unit: 2145

Examiner: Pollack, Melvin H.

Attorney Docket No.: AUS920011024US1

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

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October 13, 2005.

By:

Rebecca Clayton

TRANSMITTAL DOCUMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

ENCLOSED HEREWITH:

- Copy of International Search Report;
- Supplemental Information Disclosure Statement;
- Form PTO/SB/08;
- References AA-AW; and
- Our return postcard.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Sir:

Applicants request that the information listed on the attached Form PTO/SB/08 be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. 1.97.

Please charge any fees necessary for prosecution of the present application to Deposit Account No. 09-0447. If any extension of time is required, such extension is hereby requested. Please charge any additional required fee for extension of time to Deposit Account No. 09-0447.

In accordance with 37 C.F.R. 1.97(h), the filing of this Supplemental Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standards of materiality defined in 37 C.F.R. 1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. 1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with 37 C.F.R. 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made.

References AA-AT were not cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, References AA-AT contained in this Supplemental Information Disclosure Statement were not known to any individual designated in § 1.56(c) more than three months prior to the filing of this Supplemental Information Disclosure Statement.

References AU-AW were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement. No fee is required.

Respectfully submitted,

Date: October 12, 2005

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ORMATION DISCLOSURE ATEMENT BY APPLICANT

Complete if Known						
Application Number	10/062,369					
Filing Date	01/31/2002					
First Named Inventor	Stephen S. Breese					
Examiner Name	Pollack, Melvin H.					
Art Unit	2145					
Attorney Docket No.	AUS920011024US1					

Examiner Initials	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AA	US 6,401,119 B1	06-04-2002	Fuss et al.	
AB	US 6,425,006 B1	07-23-2002	Chari et al.	
AC	US 6,000,045	12-07-1999	Lewis, Lundy	
AD	US 6,430,712 B2	08-06-2002	Lewis, Lundy	
AE	US 6,766,368 B1	07-20-2004	Jakobson et al.	
AF	US 5,742,819	04-21-1998	Caccavale, Frank Samuel	
AG	US 6,779,032 B1	08-17-2004	Hericourt, Olivier	
AH	US 6,892,235 B1	05-10-2005	Daude et al.	
Al	US 2004/0064546 A1	04-01-2004	Olsson et al.	
AJ	US 2004/0205184 A1	10-14-2004	Olsson et al.	
AK	US 2003/0145080 A1	07-31-2003	Breese et al.	
AL	US 6,885,302 B2	04-26-2005	Seal et al.	

	A. Louis Bar Miller	FOREIGN PATENT	DOCUMENTS	
Examiner Initial	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

		NON PATENT LITERATURE
Examiner Initial		Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	AM	PAXSON ET AL., "An Architecture for Large-Scale Internet Measurement", 1998, ftp.ee.lbl.gov/papers/nimi-ieee-comm98.ps.gz, pages 1-9.
PHILLIPS ET AL., "The FERET Evaluation Methodology for Face-Recognition Alg		PHILLIPS ET AL., "The FERET Evaluation Methodology for Face-Recognition Algorithms", 1999, sequoyah.ncsl.nist.gov/pub/nist_internal_reports/ir_6264.ps.Z, pages 1-20.
	АО	RUSPINI ET AL., "The Haptic Display of Complex Graphical Environments", 1997, robotics.stanford.edu/people/krasi/Siggraph97.ps.Z, 8 pages.
AP BLOTT ET AL., "User-Level Billing and Accounting in IP Networks", 1999, www.bell-labs.com/user/blott/BLTJ00.pdf, pages 1-15.		BLOTT ET AL., "User-Level Billing and Accounting in IP Networks", 1999, www.bell-labs.com/user/blott/BLTJ00.pdf, pages 1-15.
		DYKES ET AL., "An Empirical Evaluation of Client-side Server Selection Algorithms", 2000, www.ieee-infocom.org/2000/papers/700.pdf , 10 pages.

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nitial		(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),
		publisher, city and/or country where published.
AR		VIGNA, "NetSTAT: A Network-based Intrusion Detection Approach", 1998,
	AIN	www.cs.ucsb.edu/~vigna/pub/vigna kemmerer acsac98,ps.gz, 10 pages.
	AS	KUNG ET AL., "TCP Trunking for Bandwidth Management of Aggregate Traffic", 2000,
	AS	www.eecs.harvard.edu/~htk/publication/2000-kung-wang-tcp-trunking-1100.pdf, pages 1-12.
AT		PARULKAR, "An Architecture for Monitoring, Visualization and Control of Gigabit Networks", 1997,
		www.cs.wustl.edu/~schmidt/PDF/NMVC.pdf, pages 1-21.

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AU	US 6,449,739 B1	09-10-2002	Amnon Landan	
AV	US 6,108,700	08-22-2000	Maccabee et al.	
AW	US 5,812,780	09-22-1998	Chen et al.	
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		FOREIGN PATEN	T DOCUMENTS	
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